DETAILED ACTION

1. Pursuant to the entry of the amendment of June 28, 2010, the status of the claims is as follows: Claims 1, 4-10 and 12 are pending. Claims 1 and 4 have been amended. Claims 2-3 and 11 have been cancelled.

Response to Amendment

2. Applicant's reply has been considered and is sufficient to overcome the prior art rejection of claims 1 and 4-10.

Specification

3. The disclosure is objected to because of the following informalities: The Brief Description of the Drawings is missing.

Appropriate correction is required.

Drawings

4. The drawings are objected to because Figure 2 should be an expanded showing of A and B or 2A and 2B. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary

to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 1, 4-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

More specifically, the structural relationship between component (A) and component (B) is not clearly defined. For example, the components can be in separate layers or in a single layer as a blend or copolymerized. Accordingly the metes and bounds for which patent protection is being sought are not clear.

Claims 4-10 are indefinite based upon the reasons set forth above in claim 1.

Claim Rejections - 35 USC § 103

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over European Patent Publication EP 0961295 A (Cogan) in view of DeNicola, Jr. 5,047,446 (DeNicola) for reasons of record.

Cogan discloses a method for producing a coaxial cable comprising an inner electrical conductor and a dielectric insulation comprising an inert gas and a solid, wherein said solid can be a polymer such as propylene homo- or copolymer and method of making said cable. See abstract and [0022]]. Cogan does not teach that the propylene polymer has strain hardening behavior or that component (A) is produced by treatment of unmodified propylene polymer with thermally decomposing, radical forming agents.

DeNicola teaches a propylene polymer material having strain hardening behavior that can be used as wire and cable coating. In addition, DeNicola teaches that the propylene can be blended with other propylene homo- or copolymer materials, as required by claims 1 and 2. See entire document and for example, column 9, lines 5-10.

Cogan and DeNicola each teach propylene homo- or copolymer polymers that are used in the formation of cables wherein the propylene homo- or copolymer polymers are used as insulation or coating material. Thus, Cogan and DeNicola are analogous art.

As set forth previously, Cogan teaches that his cable comprises a conductor coated with a dielectric insulation such as propylene homo- or copolymer, but does not specifically teach a propylene polymer having strain hardening behavior. Cogan

teaches polypropylene as a material having outstanding electrical properties, further teaching that the insulation preferably has a uniform cell distribution. Note page 3.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teachings of Cogan by forming the dielectric insulation layer by using a material having superior electric properties such as a polypropylene material, wherein said polypropylene material is a propylene homo- or copolymer as taught by DeNicola, with the reasonable expectation of success of forming a cable having a dielectric layer with superior electric properties and more uniform cell size and enhanced stability in the presence of oxygen.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jill Gray whose telephone number is 571-272-1524. The examiner can normally be reached on M-Th and alternate Fridays 10:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on 571-272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jill Gray/
Primary Examiner
Art Unit 1782

jmg